UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,144	07/30/2003	William J. Thomas	100202796-1	9479

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EXAMINER
LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/630,144	THOMAS ET AL.
	Examiner	Art Unit	
	Samson B. Lemma	2132	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 July 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-56* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This is in reply to application filed on July 30, 2003. **Claims 1-56** have been

examined.

Priority

2.   This application does not claim priority of an application. Therefore, the effective

filling data for the subject matter defined in the pending claims of this

application is **July 30, 2003.**

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out
> and distinctly claiming the subject matter which the applicant regards as his
> invention.

4.   **Claims 39-44** are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. **Claims 39-44** are indefinite because they

recite "the article of manufacture" which is not found in **the claims 16 and 40-41** from

which they currently are dependent.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a
> patent therefor, subject to the conditions and requirements of this title.

6.   **Claims 39-44** are rejected under 35 U.S.C. 101 because the subject matter is directed to non-statutory subject matter.

7.   **Claims 39-44** are directed to the article of manufacture claims. However they depend on the method claims. All inventions/claims must fall into one of the statutory classes listed in the 35 U.S.C 101 and these are defined as 1. Process or method 2. Machine 3. Article of Manufacture 4. Composition of Matter.

The examiner asserts that the limitation of the claims 39-44, does not fall within only one the statutory classes listed in 35 USC 101. The language of the claims raises a question as to whether the claims are directed to the "method claim" or the "article of manufacture claim" to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   **Claims 1-56** are rejected under 35 U.S.C. 102(e) as being anticipated by Richard M. Butler (hereinafter referred as **Butler**)(U.S. Patent No. 7, 028,192 B2) (Claims priority of continuation application No. 09/449, 794) (filed on Nov. 26, 1999)

10.   **As per claims 1, 14, 28, 35, 45 and 50 Butler discloses a method for using a**

plurality of error-detectable key fragments of [figure 2, ref. Num "210" and "212"] **an**

original license key string [figure 2, ref. Num "202/206", password], **comprising:**

fragmenting the original key string into a plurality of key fragments; [figure 2,

ref. Num "210" and "212"; column 5, lines 15-17] **calculating, for each key**

fragment, corresponding check data [figure 2, ref. Num "Index"]; **and combining**

each key fragment with its corresponding check data to form said error-detectable

key fragments. [Figure 2, ref. "214"]

11.   **As per claims 2 and 29 Butler discloses a method as applied to claims**

above. Furthermore, Butler discloses the method further comprising: receiving a

plurality of user-entered key fragments; using said corresponding check data of

said received key fragments to detect whether said received key fragments were

entered correctly; and generating an error message when a received key fragment

is inaccurate. [Column 5, lines 57-58, and column 5, lines 40-58] (if the re-input and

first input passwords differ in any way, both are discarded, and the user is prompted

meets the limitation of the claim)

12.   **As per claims 3, 16, 17-18, 26-27, 30, 36-38, 42-44 and 51-52 Butler**

discloses a method as applied to claims above. Furthermore, Butler discloses the

method further comprising: receiving a plurality of user-entered key fragments;[figure

2, ref. Num "210" & "212"] using said corresponding check data of said received key

fragments to detect whether the received key fragments were entered correctly; [column

5, lines 53-58 and figure 4, ref. Num "404"] and defragmenting the key data of the

received key fragments into a reconstituted key string that is the same as the original

key string. [figure 2, ref. Num "216" and figure 4, ref. Num "216"]

13.   As per claims 4 Butler discloses a method as applied to claims above.

Furthermore, Butler discloses the method, wherein said defragmenting of the key

data is performed when all received key fragments are entered correctly. [figure 2, ref.

Num "208"]

14.   As per claims 5, 19, 31 and 39 Butler discloses a method as applied to

claims above. Furthermore, Butler discloses the method, further comprising:

providing the reconstituted key string to a software package to enable use of the

software package. [column 10, lines 4-9] ("implemented in software or firmware code")

15.   As per claims 6, 20, 32 and 40 Butler discloses a method as applied to

claims above. Furthermore, Butler discloses the method, further comprising:

providing the reconstituted key string to a hardware component to enable use of the

hardware component or a portion thereof. [Figure 2, ref. Num "104"]

16.   As per claims 7 and 21 Butler discloses a method as applied to claims above.

Furthermore, Butler discloses the method, wherein receiving the key string comprises:

receiving the key string in computer-readable form from a key generator. [column 5,

lines 12-18]

17.   As per claims 8, 15, 22 and 41 Butler discloses a method as applied to claims

above. Furthermore, Butler discloses the method, further comprising: providing said

error-detectable key fragments in human-readable form. [Figure 2, ref. Num "216"]

18.   As per claims 9 and 33 Butler discloses a method as applied to claims above.

Furthermore, Butler discloses the method, wherein combining each key fragment with

its corresponding check data to form said error-detectable key fragments comprises:

combining each key fragment with its corresponding check data to form friendly error-

detectable key fragments. [Figure 2, ref. Num " Moon: SMILE"]

19.   **As per claims 10-11, 23-24 and 34 Butler discloses a** method as applied to

claims above. Furthermore, Butler discloses the method, wherein each friendly error-

detectable key fragment comprises at least one word. [Figure 2, ref. Num "214",

"OBJECT"]

20.   **As per claims 12 and 25 Butler discloses a** method as applied to claims above.

Furthermore, Butler discloses the method, wherein combining each key fragment with

its corresponding check data to form friendly error-detectable key fragments [figure 2,

ref. Num "216"] comprises: using at least a portion of one of either said key fragment

[figure 2, ref. Num "210" and "212"] or said check data to select data from a database to

form at least a portion of said friendly error-detectable key fragment.[figure 2, ref.

"214"/OBJECT]

21.   **As per claim 46 Butler discloses a** method as applied to claims above.

Furthermore, Butler discloses the method, further comprising: a friendly key generator

configured to convert error-detectable key fragments into friendly error-detectable key

fragments, wherein said friendly error-detectable key fragments are words recognizable

by humans. [Figure 2, ref. Num "216" such as "Moon: Smile"]

22.   **As per claims 47-49; 53-56 Butler discloses** a key defragmenter [figure 4, ref.

Num "218"] for combining a plurality of entered error-detectable key fragments into a

reconstituted key string [figure 2, ref. Num 216], each error-detectable key fragment

comprising key data [figure 2, "Index"] and check data [figure 2, ref. Num "214"], the

key defragmenter comprising: an error checker adapted to use the check data of at least

one of the entered error-detectable key fragments to detect if the entered error-

detectable key fragment is entered incorrectly [[column 5, lines 53-58 and figure 4, ref.

Num "404"]; and an accumulator adapted to defragment the key data of the entered

error- detectable key fragments into the reconstituted key string and provide the

reconstituted key string [figure 2/4, ref. Num "216"].

23.   **Claims 1-12 and 14-56** are also rejected under 35 U.S.C. 102(e) as being anticipated by Schroeder (hereinafter referred as **Schroeder**)(U.S. Publication No. 2003/0182614 A1) (filed on March 25, 2002)

24.   **As per claims 1-12 and 14-56 Schroeder discloses a method for using a plurality of error-detectable key fragments of an original license key string, comprising: fragmenting the original key string into a plurality of key fragments;** [paragraph 0029, "Packet fragment"] and **calculating, for each key fragment, corresponding check data; and combining each key fragment with its corresponding check data to form said error-detectable key fragments.** [Paragraph 0029; paragraph 0037-0038] (ECM 400 may operate to perform error control for a packet by calculating partial TCP checksums for the packet fragments. For example, if the packet is a TCP/IP packet using TCP checksums for error detection, ECM 400 may calculate the TCP checksum for the entire packet by independently calculating a partial error control value for each packet fragment, and combining the partial error control values to form a final error control value. The error control value may then be used as the TCP checksum)

Allowable Subject Matter

25.   **Claim 13** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

26.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).

     Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is
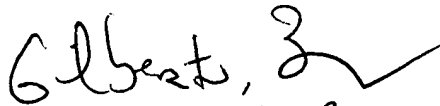
571-272-3806. The examiner can normally be reached on Monday-Friday (8:00

am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax

phone number for the organization where this application or proceeding is

assigned is 703-873-8300.

Information regarding the status of an application may be obtained from the

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

SAMSON LEMMA
S·L·
10/10/2006

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